

Amendments to the Claims:

1. (currently amended)      An isolated nucleotide sequence comprising a promoter sequence that drives expression of a gene in a plant cell ~~wherein said promoter sequence natively drives the expression of a plant cell death suppressor protein, and~~ wherein said promoter sequence comprises the sequence set forth in SEQ ID NO:1.

2. (previously presented)      An isolated nucleotide sequence comprising the sequence set forth in SEQ ID NO: 1.

3. (previously presented)      An expression cassette comprising the nucleotide sequence of claim 2, operably linked to a heterologous coding sequence.

4. (previously presented)      A vector comprising the expression cassette of claim 3.

5.      A host cell comprising the vector of claim 4.

6. (previously presented)      A plant which has been stably transformed with the expression cassette of claim 3.

7.      The plant of claim 6, wherein said heterologous coding sequence encodes an insecticidal protein.

8.      Transformed seed of the plant of claim 6.

9.      (previously presented) A plant having stably incorporated in its genome an expression cassette, said expression cassette comprising a promoter having the sequence set forth in SEQ ID NO: 1 operably linked to a polynucleotide.

10.      The plant of claim 9, wherein said polynucleotide is a coding sequence for a gene.

11. The plant of claim 10, wherein said gene is a gene that provides resistance to insects or fungal pathogens.
12. The plant of claim 9, wherein said polynucleotide is an antisense sequence.
13. The plant of claim 9, wherein said plant is a dicot.
14. The plant of claim 9, wherein said plant is a monocot.
15. The plant of claim 14, wherein said monocot is maize.
16. (previously presented) Transformed seed of the plant of any one of claims 9-15.
17. (previously presented) A plant cell having stably incorporated in its genome an expression cassette, said expression cassette comprising a promoter having the sequence set forth in SEQ ID NO: 1 operably linked to a polynucleotide.
18. The plant cell of claim 17, wherein said polynucleotide is a coding sequence for a gene.
19. The plant cell of claim 18, wherein said gene is a gene that confers resistance to insects or fungal pathogens.
20. The plant cell of claim 17, wherein said polynucleotide is an antisense sequence.
21. The plant cell of claim 17, wherein said plant cell is from a dicotyledonous plant.
22. The plant cell of claim 17, wherein said plant cell is from a monocotyledonous plant.
23. The plant cell of claim 22, wherein said monocotyledonous plant is maize.

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24. (canceled)